

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RICHARD LEE BROWN *et al.*,

Plaintiffs,

v.

ALEX AZAR, in his official capacity as
Secretary U.S. Department of Health &
Human Services *et al.*,

Defendants.

Case No. 1:20-cv-3702-JPB

**DEFENDANTS' CONSENT MOTION FOR LEAVE
TO FILE EXCESS PAGES**

Defendants respectfully request an extension of the page limitations set forth in Local Civil Rule 7.1(D) in connection with their forthcoming opposition to Plaintiffs' motion for preliminary injunction. *See* ECF No. 18. Counsel for the parties have conferred, and Plaintiffs consent to this request. In support of this motion, Defendants submit the following:

1. On September 8, 2020, Plaintiff Richard Lee Brown filed a complaint in the above-captioned matter. ECF No. 1. On that same day, Plaintiff filed a motion for temporary restraining order and preliminary injunction, ECF. No. 6, along with

a motion for leave to file a motion and memorandum of law in excess of 25 pages, ECF No. 5.

2. On September 18, prior to the Court taking action on these motions, Plaintiff Brown voluntarily withdrew the motion for temporary restraining order or preliminary injunction, ECF No. 13, and filed an amended complaint adding new plaintiffs and an additional cause of action, ECF No. 12.

3. On that same day, Plaintiffs filed a new motion for preliminary injunction, ECF No. 14, and a new motion for leave to file a motion and memorandum of law in excess of 25 pages, ECF No. 15. As to the latter motion, Plaintiffs sought leave to file a 39-page memorandum of law in support of their motion for preliminary injunction. ECF No. 15. Plaintiffs cited “complex statutory and constitutional claims,” as well as the requirement to address the need for emergency relief, as the bases for their request for additional pages. *Id.* at ¶¶ 4–5. Defendants consented to Plaintiffs’ page-extension request. *Id.* at ¶ 7.

4. The Court granted Plaintiffs’ request to extend page limitations on September 18, 2020. ECF No. 17. Plaintiffs filed a 39-page memorandum of law the same day. ECF No. 18-1. The Court also set a briefing schedule for the preliminary injunction motion, ordering Defendants to respond to Plaintiffs’

motion no later than October 2, 2020. *Id.* The Court provided Plaintiffs until October 16, 2020 to file an optional reply. *Id.* According to Local Rule 7.1(D), should Plaintiffs choose to file a reply brief, that memorandum may be as long as 15 pages. N.D. Ga. LR 7.1(D).

5. Defendants' response to Plaintiffs' motion necessarily addresses the same statutory and constitutional claims addressed in Plaintiffs' memorandum of law, as well as the same factors to explain why preliminary injunctive relief is not appropriate in this matter. Defendants' response also raises jurisdictional and procedural issues not covered in Plaintiffs' memorandum.

6. In light of these facts, Defendants respectfully request leave to file a memorandum of law in opposition to Plaintiffs' preliminary injunction motion that will be no more than 47 pages in length.

7. Counsel for the parties have conferred regarding this request, and Plaintiffs have indicated that they consent to it.

Dated: October 1, 2020

Respectfully submitted,

JEFFREY BOSSERT CLARK
Acting Assistant Attorney General

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Assistant Director, Federal Programs
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/s/ Leslie Cooper Vigen
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Counsel for Defendants

CERTIFICATE OF COMPLIANCE

I hereby certify, pursuant to Local Rules 5.1 and 7.1(D), that I prepared the foregoing brief using Book Antiqua, 13-point font.

/s/ Leslie Cooper Vigen
LESLIE COOPER VIGEN
United States Department of Justice

CERTIFICATE OF SERVICE

I hereby certify I served this document today by filing it using the Court's CM/ECF system, which will automatically notify all counsel of record.

Dated: October 1, 2020

/s/ Leslie Cooper Vigen
LESLIE COOPER VIGEN
United States Department of Justice